

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MICHAEL G. ROBINSON and MICHELLE ROBINSON,

Plaintiffs,

v.

H&R BLOCK BANK, FSB, SAND CANYON CORPORATION f/k/a OPTION ONE MORTGAGE CORPORATION, and MELISSA HIVELY,

Defendants

Civil Action No. 1:12-cv-04196-SJ-SMG

**DECLARATION OF
DALE M. SUGIMOTO**

I, DALE M. SUGIMOTO, declare as follows:

1. I am the President of Sand Canyon Corporation ("Sand Canyon") f/k/a Option One Mortgage Corporation ("Option One").
2. I have reviewed the Declaration of Greg Quarles, President, H&R Block Bank, FSB and the exhibits attached thereto ("Dec. of G. Quarles"), which I understand is being filed simultaneously with this declaration. True and accurate copies of the documents defined herein as the CEMA Mortgage, Adjustable Rate Note and GAP Note are attached to the Dec. of G. Quarles as Exhibits 1, 2 and 3 respectively. True and accurate copies of the CEMA Note and Allonge, as described herein, are attached within Exhibit 4 of the Dec. of G. Quarles.
3. On or about December 31, 2007, Option One exited the loan origination business and as of April 30, 2008, sold its loan servicing business. The Purchase Agreement, which memorialized the sale of its servicing assets, provided that Option One change its name; subsequently, Option One changed its name to Sand Canyon Corporation.

4. On or about November 28, 2005, Plaintiff Michael G. Robinson executed an Adjustable Rate Note in the amount of \$465,000.00 in favor of Option One (the "Adjustable Rate Note"). A true and accurate copy of the Adjustable Rate Note is attached to the Dec. of G. Quarles ¶ 6, Exhibit ("Ex.") 2.

5. The Adjustable Rate Note evidenced a loan provided by Option One to Plaintiffs in connection with Plaintiffs' purchase of a property located at 922 Avenue B, Brooklyn, New York 11236 (the "Property").

6. The Adjustable Rate Note was secured by a mortgage interest in the Property.

7. On or about December 21, 2006, Plaintiff Michael G. Robinson executed a GAP Adjustable Rate Note in the amount of \$54,673.66 in favor of Option One (the "GAP Note"). A true and accurate copy of the GAP Note is attached to the Dec. of G. Quarles ¶ 6, Ex. 3.

8. The GAP Note evidenced a second loan provided by Option One to Plaintiffs and was secured by a mortgage interest in the Property.

9. On or about December 21, 2006, Plaintiff Michael G. Robinson executed a Consolidated Adjustable Rate Note in the amount of \$517,000.00 in favor of Option One (the "CEMA Note") thereby consolidating, extending and modifying the prior loans evidenced by the Adjustable Rate Note and the GAP Note. A true and accurate copy of the CEMA Note is attached within Dec. of G. Quarles ¶ 7, Ex. 4.

10. On or about December 22, 2006, Plaintiffs Michael G. Robinson and Michelle Robinson executed a Consolidation, Extension and Modification Agreement thereby consolidating the mortgages owned by Option One into one security interest on the Property (the "CEMA Mortgage"). On or about February 12, 2007, Option One caused the CEMA Mortgage

to be recorded and filed with the City Register of the City of New York. A true and accurate copy of the recorded CEMA Mortgage is attached to the Dec. of G. Quarles ¶ 5, Ex. 1.

11. On or about January 31, 2007, Option One delivered, through its agent and custodian, to Block Bank an indorsed allonge to the CEMA Note (the "Allonge"). A true and accurate copy of the Allonge is attached within Dec. of G. Quarles ¶ 7, Ex. 4.

12. By delivering the indorsed Allonge, Option One intended to assign the CEMA Note to Block Bank.

13. On or about January 31, 2007, Option One, through its agent and custodian, caused the CEMA Note with Allonge to be delivered to Block Bank. After recordation of the CEMA Mortgage, Option One, through its agent and custodian, caused the CEMA Mortgage to be delivered to Block Bank.

14. On or about January 31, 2007, Option One also caused the GAP Note, the Adjustable Rate Note and the corresponding mortgage documents to be delivered, through its guardian and custodian, to Block Bank.

15. At the time of the transfer and delivery of the CEMA Note, it was Option One's practice to deliver allonges to notes by placing allonges directly behind their corresponding notes.

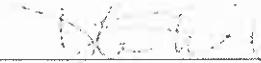
16. Sand Canyon f/k/a Option One has not received any payments in connection with the CEMA Note since the assignment of the CEMA Note to Block Bank on January 31, 2007.

17. On or about March 30, 2011, Sand Canyon f/k/a Option One indorsed and caused to be recorded and filed with the City Register of the City of New York an Assignment of Mortgage to Block Bank (the "Assignment of Mortgage"). A true and accurate copy of the Assignment of Mortgage is attached hereto as Exhibit A.

18. On or about September 20, 2012, Sand Canyon f/k/a Option One indorsed a Correction Assignment of Mortgage to Block Bank stating the effective date of assignment as January 31, 2007, and caused that to be recorded and filed with the City Register of the City of New York. A true and accurate copy of the Corrective Assignment of Mortgage is attached hereto as Exhibit B.

I declare under penalty of perjury under the laws of the United State of America that the foregoing is true and correct.

Executed this 13th day of March, 2013 in Irvine, California.

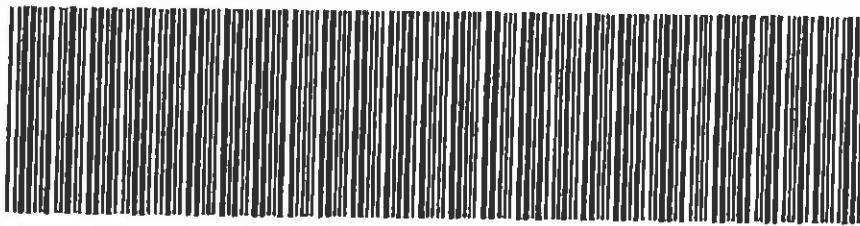


Dale M. Sugimoto, President
Sand Canyon Corporation

Exhibit “A”

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.



2011040600450001001E0F35

RECORDING AND ENDORSEMENT COVER PAGE**PAGE 1 OF 4****Document ID:** 2011040600450001**Document Date:** 03-30-2011**Preparation Date:** 04-06-2011**Document Type:** ASSIGNMENT, MORTGAGE**Document Page Count:** 2**PRESENTER:**

SECURITY CONNECTIONS, INC.
240 TECHNOLOGY DRIVE
IDAHO FALLS, ID 83401
208-528-9895
ckillian@security-connect.com

RETURN TO:

SECURITY CONNECTIONS, INC.
240 TECHNOLOGY DRIVE
IDAHO FALLS, ID 83401
208-528-9895
ckillian@security-connect.com

		PROPERTY DATA	
Borough	Block Lot	Unit	Address
BROOKLYN	8110 39	Entire Lot	9222 AVENUE B
Property Type: DWELLING ONLY - 1 FAMILY			

CROSS REFERENCE DATA**CRFN:** 2006000000239 Additional Cross References on Continuation Page**PARTIES**

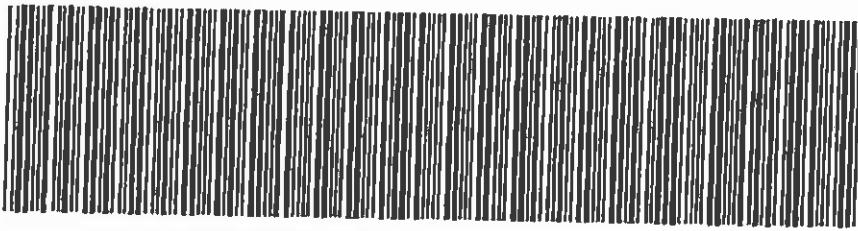
ASSIGNOR/OLD LENDER:
SAND CANYON CORPORATION
7595 IRVINE CENTER DR, SUITE 100
IRVINE, CA 92618

ASSIGNEE/NEW LENDER:
H&R BLOCK BANK FSB
ONE H&R BLCOOK WAY, 8TH FLOOR
KANSAS CITY, MO 64105

FEES AND TAXES

Mortgage		Filing Fee:	
Mortgage Amount:	\$ 0.00	\$	0.00
Taxable Mortgage Amount:	\$ 0.00	NYC Real Property Transfer Tax:	
Exemption:		\$	0.00
TAXES: County (Basic):	\$ 0.00	NYS Real Estate Transfer Tax:	
City (Additional):	\$ 0.00	\$	0.00
Spec (Additional):	\$ 0.00		
TASF:	\$ 0.00		
MTA:	\$ 0.00		
NYCTA:	\$ 0.00		
Additional MRT:	\$ 0.00		
TOTAL:	\$ 0.00		
Recording Fee:	\$ 50.00		
Affidavit Fee:	\$ 0.00		

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER



2011040600450001001C0DB5

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION) PAGE 2 OF 4

Document ID: 2011040600450001 Document Date: 03-30-2011 Preparation Date: 04-06-2011
Document Type: ASSIGNMENT, MORTGAGE

CROSS REFERENCE DATA

CRFN: 2007000082498

NEW YORK
COUNTY OF KINGS (A)
LOAN NO. (0022707905) 331051385
POOL NO.

ASSIGNMENT OF MORTGAGE
KNOW THAT SAND CANYON CORPORATION FKA OPTION ONE MORTGAGE CORPORATION

located at 7595 IRVINE CENTER DRIVE, SUITE 100, IRVINE, CA 92618,
Assignor, in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration paid
by H & R BLOCK BANK FSB

DISTRICT

located at ONE H & R BLOCK WAY, 8TH FLOOR, KANSAS CITY, MO 64105, Assignee,
hereby assigns unto the Assignee those deeds of trust made by MICHAEL G. ROBINSON AND
MICHELLE ROBINSON

SECTION

for FOUR HUNDRED SIXTY-FIVE THOUSAND and NO/100----(\$ 465,000.00)
payable to OPTION ONE MORTGAGE CORPORATION and
covering the premises at 9222 AVE B BROOKLYN, NY 11236

recorded in the office of Clerk of the County of KINGS, State of New York and
more particularly described below. These mortgages have been consolidated, by the terms of the
office of Clerk of the county above, to form a single first mortgage lien.

BLOCK
8110
LOT
39
UNIT

ORIGINAL MORTGAGE OPTION ONE MORTGAGE CORPORATION BOOK	PAGE	JANUARY 3, 2006 465,000.00 DOC. 2006000000239
MORTGAGE OPTION ONE MORTGAGE CORPORATION MICHAEL G. ROBINSON AND MICHELLE ROBINSON BOOK	PAGE	REC. FEBRUARY 12, 2007 54,673.66 DOC. 2007000082498
CONSOLIDATED OPTION ONE MORTGAGE CORPORATION MICHAEL G. ROBINSON AND MICHELLE ROBINSON BOOK	PAGE	REC. FEBRUARY 12, 2007 517,000.00 DOC. 2007000082499

C=s.172.0071
P=S.002.00224.63 J=hr8010109ai.s.03401
(NMRI.NY.CONSOL)

331051385
Name: ROBINSON MICHAEL G Location: KASOTA
Customer: HRBB Pool: OPT1 DRY-WARE

Loan No. (0022707905)331051385

TO HAVE AND TO HOLD the same unto the assignee and to the successors, legal representatives and assigns of the assignee forever. The word "assignor" or "assignee" shall be construed as if it read "assignors" or "assignees" whenever the sense of this instrument so requires. This assignment is not subject to the requirements of section 275 of the Real Property Law because it is an assignment within the secondary mortgage market.

IN WITNESS WHEREOF, the assignor has duly executed this assignment this 30th day of MARCH 2011, but effective the 20th day of NOVEMBER 2005.

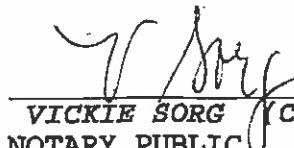
SAND CANYON CORPORATION FKA OPTION ONE MORTGAGE CORPORATION

BY _____

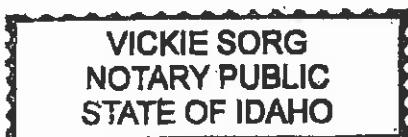
BY Melissa H
MELISSA HIVELY
VICE PRESIDENT

STATE OF IDAHO)
) ss
COUNTY OF BONNEVILLE)

On the 30th day of MARCH 2011 before me, the undersigned personally appeared MELISSA HIVELY and _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the County of BONNEVILLE, State of IDAHO.


VICKIE SORG COMMISSION EXP. 08-18-11
NOTARY PUBLIC

BONNEVILLE



PREPARED BY SECURITY
CONNECTIONS, INC.
WHEN RECORDED MAIL TO:
SECURITY CONNECTIONS INC.
240 TECHNOLOGY DRIVE
IDAHO FALLS, ID 83401
PH: (208) 528-9895
ATT: KARLEEN KAICHEN

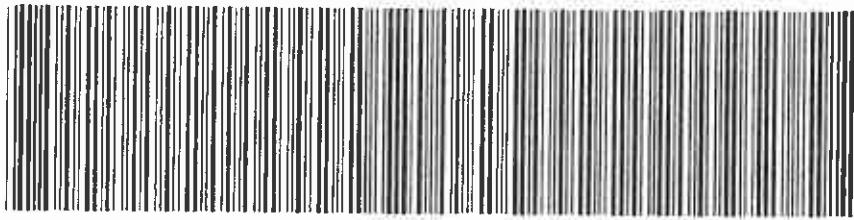
(NMRI.NY)

SEAL Page 2 of 2

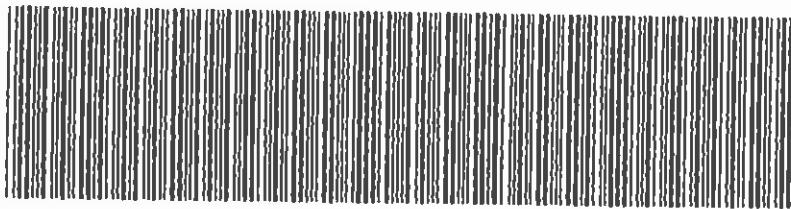
C=S.172.0071
P=S.002.00224.63

J=hr8010109ai.s.03401

Exhibit “B”

NYC DEPARTMENT OF FINANCE OFFICE OF THE CITY REGISTER																														
<p>This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.</p>		2012092100759001001E1A30																												
RECORDING AND ENDORSEMENT COVER PAGE																														
Document ID: 2012092100759001		Document Date: 09-20-2012																												
Preparation Date: 09-21-2012																														
Document Type: ASSIGNMENT, MORTGAGE																														
Document Page Count: 2 Non-Standard Form Size																														
PRESENTER: ERIC ZENI SOLOMON SIRIS PC 100 QUENTIN ROOSEVELT BLVD. STE 504 GARDEN CITY, NY 11530 516-228-9350 EZENI@SOLOMONSIRIS.COM		RETURN TO: SOLOMON & SIRIS PC 100 QUENTIN ROOSEVELT BLVD STE 504 GARDEN CITY, NY 11530 516-228-9350 EZENI@SOLOMONSIRIS.COM																												
PROPERTY DATA <table> <tr> <td>Borough</td> <td>Block</td> <td>Lot</td> <td>Unit</td> <td>Address</td> </tr> <tr> <td>BROOKLYN</td> <td>8110</td> <td>39</td> <td>Entire Lot</td> <td>9222 AVENUE B</td> </tr> </table> Property Type: DWELLING ONLY - 1 FAMILY			Borough	Block	Lot	Unit	Address	BROOKLYN	8110	39	Entire Lot	9222 AVENUE B																		
Borough	Block	Lot	Unit	Address																										
BROOKLYN	8110	39	Entire Lot	9222 AVENUE B																										
CROSS REFERENCE DATA CRFN: 2006000000239 <input checked="" type="checkbox"/> Additional Cross References on Continuation Page																														
ASSIGNOR/OLD LENDER: SAND CANYON CORPORATION F/K/A OPTION ONE MORTGAGE 7995 IRVINE CENTER DRIVE, SUITE 100 IRVINE, CA 92618		PARTIES ASSIGNEE/NEW LENDER: H&R BLOCK BANK FSB H&R BLOCK WAY, 8TH FLOOR KANSAS CITY, MO 64105																												
FEES AND TAXES <table> <tr> <td>Mortgage</td> <td>Filing Fee:</td> </tr> <tr> <td>Mortgage Amount:</td> <td>\$ 0.00</td> </tr> <tr> <td>Taxable Mortgage Amount:</td> <td>\$ 0.00</td> </tr> <tr> <td>Exemption:</td> <td>\$ 0.00</td> </tr> <tr> <td>TAXES: County (Basic):</td> <td>\$ 0.00</td> </tr> <tr> <td>City (Additional):</td> <td>\$ 0.00</td> </tr> <tr> <td>Spec (Additional):</td> <td>\$ 0.00</td> </tr> <tr> <td>TASF:</td> <td>\$ 0.00</td> </tr> <tr> <td>MTA:</td> <td>\$ 0.00</td> </tr> <tr> <td>NYCTA:</td> <td>\$ 0.00</td> </tr> <tr> <td>Additional MRT:</td> <td>\$ 0.00</td> </tr> <tr> <td>TOTAL:</td> <td>\$ 0.00</td> </tr> <tr> <td>Recording Fee:</td> <td>\$ 75.00</td> </tr> <tr> <td>Affidavit Fee:</td> <td>\$ 0.00</td> </tr> </table>			Mortgage	Filing Fee:	Mortgage Amount:	\$ 0.00	Taxable Mortgage Amount:	\$ 0.00	Exemption:	\$ 0.00	TAXES: County (Basic):	\$ 0.00	City (Additional):	\$ 0.00	Spec (Additional):	\$ 0.00	TASF:	\$ 0.00	MTA:	\$ 0.00	NYCTA:	\$ 0.00	Additional MRT:	\$ 0.00	TOTAL:	\$ 0.00	Recording Fee:	\$ 75.00	Affidavit Fee:	\$ 0.00
Mortgage	Filing Fee:																													
Mortgage Amount:	\$ 0.00																													
Taxable Mortgage Amount:	\$ 0.00																													
Exemption:	\$ 0.00																													
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Additional MRT:	\$ 0.00																													
TOTAL:	\$ 0.00																													
Recording Fee:	\$ 75.00																													
Affidavit Fee:	\$ 0.00																													
RECORDED OR FILED IN THE OFFICE OF THE CITY REGISTER OF THE CITY OF NEW YORK Recorded/Filed 09-25-2012 15:36 City Register File No.(CRFN): 2012000380870  <i>Annette McVill</i> <i>City Register Official Signature</i>																														

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OFFICE OF THE CITY REGISTER**



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RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION) PAGE 2 OF 4

Document ID: 2012092100759001 **Document Date:** 09-20-2012 **Preparation Date:** 09-21-2012
Document Type: ASSIGNMENT, MORTGAGE

CROSS REFERENCE DATA

CRFN: 2007000082498

CRFN: 2007000082499

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT-THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

CORRECTION ASSIGNMENT

KNOW THAT

Sand Canyon Corporation f/k/a Option One Mortgage Corporation,
7995 Irvine Center Drive, Suite 100
Irvine, California 92618

, assignor,

in consideration of

ten and no dollars (\$10.00) dollars,
paid by H&R Block Bank FSB,

H & R Block Way, 8th Floor, Kansas City, MO 64105

hereby assigns unto the assignee, , assignee,

Mortgages dated the "See Below" day of
Michael G. Robinson and Michelle Robinson
to Option One Mortgage Corporation (now known as Sand Canyon Corporation)

in the principal sum of \$ *See Below and recorded on the "See Below" day of

in Liber/Reel *See Below of Section of Mortgages, Page , in the City Register's Office
of Kings County, New York covering premises

9222 Avenue B, Brooklyn, New York 11236 (Block 8110, Lot 39)

*Mortgages:

Mortgage dated November 28, 2005 Recorded: January 3, 2006
CRFN: 2006000000239
Amount: \$465,000

GAP Mortgage dated December 21, 2006 Recorded: February 12, 2007
CRFN: 2007000082498
Amount: \$54,673.66

Consolidation, Modification and Extension
Agreement dated December 21, 2006 Recorded: February 12, 2007
CRFN: 2007000082499
Amount: \$517,000

TOGETHER with the bonds or notes or obligations described in said mortgages, and the
money due and to grow due thereon with the interest; TO HAVE AND TO HOLD the same unto the assignee
and to the successors, legal representatives and assigns of the assignee forever.

The word "assignor" or "assignee" shall be construed as if it read "assignors" or "assignees" whenever the
sense of the instrument so requires. This assignment is not subject to the requirements of section 275 of the
Real Property Law because it is an assignment with the secondary mortgage market.

*This assignment is intended to correct an assignment of the same mortgages described above. The
assignment being corrected is dated March 30, 2011 but incorrectly stated to be "effective" November 28,
2005 instead of January 31, 2007. The original assignment was recorded on April 20, 2011 under CRFN
2011000144341.

IN WITNESS WHEREOF, the assignor has duly executed this assignment the 20th day of Sept., 2012
but effective January 31, 2007.

IN PRESENCE OF:

By: DALE SUGIMOTO, President
Sand Canyon Corporation
f/k/a Option One Mortgage Corporation

Linda T. Landau
Linda T. Landau

Linda M. Vitale
Linda M. Vitale

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of _____ ss:

On the _____ day of _____ in the year _____
before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is
(are) subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the
instrument, the individual(s), or the person upon behalf of which
the individual(s) acted, executed the instrument.

State of New York, County of _____ ss:

On the _____ day of _____ in the year _____
before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is
(are) subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the
instrument, the individual(s), or the person upon behalf of which
the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

(signature and office of individual taking acknowledgment)

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

State of California, County of Orange ss:

On the 20th day of September in the year 2012
before me, the undersigned, personally appeared

Dale Susman
personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is
(are) subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the
instrument, the individual(s), or the person upon behalf of which
the individual(s) acted, executed the instrument.

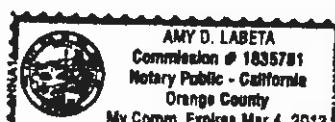
State of _____, County of _____ ss:

On the _____ day of _____ in the year _____
before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is
(are) subscribed to the within instrument and acknowledged to
me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the
instrument, the individual(s), or the person upon behalf of which
the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

(signature and office of individual taking acknowledgment)



SEAL

SECTION
BLOCK 8110
LOT 39
COUNTY OR TOWN Kings
STREET ADDRESS 9222 Avenue B
Brooklyn, New York 11236

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New York Title Research Corp

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